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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,686	02/06/2002	James Brian Libby	9340.965US01	8775

7590 03/14/2005

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EXAMINER

NGUYEN, JIMMY H

ART UNIT PAPER NUMBER

2673

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,686

Applicant(s)

LIBBY ET AL.

Examiner

Jimmy H. Nguyen

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,5,6,8,12 and 14-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,5,6,8,12 and 14-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/4/2005 has been entered. Claims 2, 5, 6, 8, 12 and 14-31 are currently pending in the application. An action on the RCE follows:

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 2, 5, 6, 8, 12 and 14-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell (USPN: 3,896,589), and further in view of McManigal (USPN: 5,253,051).

As per claims 5, 14, 15, 17 and 21-25, Mitchell discloses a window unit comprising a window frame (11) (fig. 1; col. 3, line 8); and two windows (two horizontally movable window sashes 12a, 12b; see fig. 1; col. 3, lines 8-9). Mitchell further teaches two sash windows (12a, 12b) capable of moving along a horizontal window unit axis (col. 3, lines 5-10 and lines 55-62), thereby inherently creating or forming an opening in the wall of the structure. Mitchell does not expressly teach one of the two windows including a display module for receiving a display signal

Art Unit: 2673

and displaying the display signal. Accordingly, Mitchell discloses all the claimed limitations of these claims except a display module as presently claimed.

However, McManigal discloses a window unit comprising two windows, a first window (a window including two left portions 32 as shown in fig. 6) and a second window or a multi-task window (see fig. 6) including a video screen 31 (corresponding to the claimed display module) and three remaining portions 32 (see fig. 6). McManigal further teaches the display module (video display 10/31, see figs. 2 and 6, col. 2, lines 64-66, col. 5, line 31) adapted to receive a display signal from a display signal source (col. 1, line 61 through col. 2, line 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide a display module in the first or second window of Mitchell, in view of the teaching in the McManigal reference, because this would provide the user to view simultaneously the outside scene and the selected scene presented at the video display, as recognized by one of ordinary skilled in the art as taught by McManigal (col. 1, line 40 through col. 2, line 29). Therefore, it would haven been obvious to one of ordinary skill in the art at the time of the invention was made to combine McManigal with Mitchell to obtain the invention defined in these claims.

Regarding to claims 2, 12, 16, 18 and 30, McManigal discloses that the display module is a liquid crystal display adapted to receive a digital display signal from the display signal source (col. 3, line 65 through col. 4, line 9). Further, McManigal discloses that the display module is a CRT device conventionally adapted to receive an analog display signal from the display signal source (col. 2, lines 64-66, col. 4, lines 1-9).

Regarding to claims 6, 8 and 26-29, as applied to claims 5 and 25 above, Mitchell further teaches a tap (a handle 95, see fig. 1) for allowing a user to grasp and easily to move the window. Accordingly, the combination of Mitchell and McManigal discloses all the claimed limitations except for at least a portion of the window or the entire window extends beyond the frame perimeter or into the wall adjacent the window frame, as presently claimed. However, Official Notice is taken that at least a portion of the window or the entire window extending beyond the frame perimeter or into the wall is well known and expected in the art, e.g., the operation of the window of the door car, or the door of an elevator. Further, the benefits of using at least a portion of the window or the entire window extending beyond the frame perimeter or into the wall to provide a full range of opening are well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified the Mitchell window capable of extending beyond the frame perimeter or into the wall adjacent the frame, because this would provide a full range of opening.

Regarding to claims 19 and 20, these claims are similar to a combination of claims 7 and 17 above, these claims are therefore rejected for the same reason as set forth in claims 7 and 17 above.

Regarding to claim 31, as noting in fig. 2, col. 5, line 25, McManigal discloses a speaker (24').

Response to Arguments

4. Applicant's argument, see pages 9-10 of the amendment, filed on 12/06/2004, with respect to drawing objection has been fully considered and is persuasive. The drawing objection of the Office Action dated 8/4/2004 has been withdrawn.

Art Unit: 2673

5. Since the applicant amended claims 5, 6 and 8 to overcome the claim objections to claims 5, 6 and 8 of the Office Action dated 8/4/2004, these objections have been withdrawn.

6. Since the applicant cancelled claim 7 and amended claim 8, the rejection under 35 USC 112, first paragraph, in the Office Action dated 8/4/2004 has been withdrawn.

7. Applicant's arguments, see pages 10-14, with respect to rejection under 35 USC 103(a), have been considered but are moot in view of the new ground(s) of rejection as discussed above.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy H. Nguyen whose telephone number is (571) 272-7675.

The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached at (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

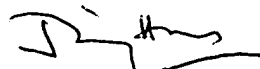
Application/Control Number: 10/068,686

Art Unit: 2673

JHN

March 4, 2005

Page 6

A handwritten signature in black ink, appearing to read 'Jimmy H. Nguyen', with a stylized flourish at the end.

Jimmy H. Nguyen
Primary Examiner
Art Unit: 2673